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The Law of Zakah for Indebted Company

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Abstract

Zakah is a means of distribution of wealth that has been set by Allah SWT. These provisions of Allah include zakah payer, zakah collector, and zakah recipients. The focus of this research is on zakah recipients, more specifically on gharimin (person in debt). During this time gharimin was interpreted as a person who owed. But the question arises, what is the status of the law if this gharim is a business entity like a company? This research attempts to answer this question because of the strategic function and role of the company for improving the economy of the people. This type of research is qualitative by using the literature review method, content analysis method, and the ushul fiqh (Islamic jurisprudence) method namely qiyas, istihsan, and istislah. From the research it was found that this company was like an individual because he was also a legal subject who had roles and functions like individuals. So, companies can also be obliged to use zakah. With this analysis, zakah is also allowed to be given to gharim companies because istihsan and istislah, this zakah for gharim companies gives a great deal of benefit to the people's economy because it will increase the economic growth of the people. But of course the receipt of zakah to the gharim company with the requirements set by the Islamic Sharia.

La Ley de Zakah para Empresa Endeudada

Resumen

Zakah es un medio de distribución de riqueza que ha sido establecido por Allah SWT. Estas disposiciones de Allah incluyen a zakah payer, zakah collector y zakah recipients. El enfoque de esta investigación está en los destinatarios de zakah, más específicamente en gharimin (persona en deuda). Durante este tiempo gharimin fue interpretado como una persona que debía. Pero surge la pregunta, ¿cuál es el estado de la ley si este gharim es una entidad comercial como una empresa? Esta investigación intenta responder a esta pregunta debido a la función estratégica y el rol de la empresa para mejorar la economía de las personas. Este tipo de investigación es cualitativa mediante el uso del método de revisión de la literatura, el método de análisis de contenido y el método ushul fiqh (jurisprudencia islámica), es decir, qiyas, istihsan e istislah. De la investigación se descubrió que esta compañía era como un individuo porque también era un sujeto legal que tenía roles y funciones como individuos. Entonces, las compañías también pueden ser obligadas a usar zakah. Con este análisis, también se permite que se entregue zakah a las compañías gharim porque istihsan e istislah, este zakah para las compañías gharim otorga un gran beneficio a la economía popular porque aumentará el crecimiento económico de la gente. Pero, por supuesto, el recibo de zakah a la compañía gharim con los requisitos establecidos por la Sharia islámica.

INTRODUCTION

Zakah is worship that must be fulfilled for Muslims, as has been determined its provisions in the pillars of Islam. As one of the obligatory services in essence zakah is a means to purify the treasure and soul for those who fulfill it as stated by Allah SWT in Surah Al-Tawbah verse 103. In addition to the payment and collection obligations established by Allah, Allah also determines who has the right to receive zakah as stated in QS at-Taubah verse 60, namely the needy, poor, amil, mu'allaf, to liberate slaves, those who are in debt, to go God, and for those on the travelling. In other words, that the provision of the obligation of zakah is derived from the command of Allah SWT, namely the act of issuing zakah (for muzakki), collecting zakah (for amil), and the right to receive zakah (for mustahiq). [1]

Payment of alms is unique to Islam because it includes elements of socio-economic well-being as its pillar, and defines the destitute and poor in the first two of eight categories of zakah recipients (asnaf). Looking at the socio-economic context, Zakah is a mâliyah ijtimâiyyah worship or worship that is directly related to the economy and society and increases solidarity and social welfare . Therefore, this contract has an important, strategic and decisive position, both in terms of teaching and in terms of the development of the welfare of the people. [2] The Islamic socio-economic system has from the beginning discussed the problem of poverty comprehensively and practically. This clearly shows how Islamic commitment in combating poverty and income inequality, and the potential of zakah institutions in improving people's welfare . [3] This is because the purpose of sharia (maqasid al syariah) of zakah is to transform mustahik into muzakki . [4] In addition, in the other categories of zakah recipients, it is also related to the economy because it is related to the increase in the economic purchasing power of the community. Furthermore, Zakah also distinguishes from non-Islamic charities, that zakah has a dimension of spirituality, so that its dimensions become socio-economic-spiritual. [5]

Up to now, there are many scientific texts that examine zakah. Especially in the context of this research is related to the charity for gharim (who in debt). Abu Zahrah (1951) states that if the borrower dies and his heirs cannot pay the debt, the debt can be paid using zakah. [6] A study by Yusof (1973) revealed that both Imam Malik, Imam Shafi'i, and Imam Ahmad argued that the outstanding balance must be paid from the borrower's assets. If the inheritance is not enough, the unpaid debt will be considered as bad credit. However, in Islam debts that are due (especially fair), must be solved using zakah funds .[7] Yusof (1973), emphasizes that according to qiyas or analogy and the general purpose of Islamic teachings from zakah, loans are allowed to be given to those in need from the part of the debtor (Gharimin). For him, practical zakah can be used to fight usury and remove all aspects of usury (ribawi). In other words, the injunctions in the form of qardh has from zakah funds will prevent them from being involved in loans consisting of elements of usury .

Another argument is that if debt can be paid from zakah funds, more importantly, loans can be made from zakah funds in a good and clean way from the element of usury. This is the main qiyas (qiyasul-hall) (Yusof, 1973). The same was discussed at the First Seminar on Management of Zakah in the Modern Muslim Society in 1985. Shawki Ismail Shahatah (1989) proposed that in certain circumstances such as emergencies, natural disasters, health problems and expensive operations, loans without interest should be given to those who need

1

Such an interest-free loan must also be extended to those who are in debt and entitled to receive microfinance in accordance with Sharia requirements.

From various studies that have been done, zakah can be given to gharimin but for individual. In the context of this research, the question to be answered is can the gharim be a corporate entity? This is because various companies that have a strategic role in economic growth have experienced bankruptcy due to debt. This research is expected to contribute to the economic transformation of the Ummah or society more specifically for companies whose notes are the economic drivers of the Ummah.

2. RESEARCH METHODS

This study uses qualitative type research using a classical and contemporary Islamic literature study approach with the method of content analysis and usul fiqh analysis.. Content analysis methods are defined as a technique for drawing conclusions by identifying the specific characteristics of a message objectively, systematically and generality (Holsti 1969: 14). This method is intended to analyze all discussion about the concept and basic principles of a zakah theory in Islam. The author prepares basic procedures for the design of research and the execution of content analysis studies consisting of six step steps for data analytics:

- a. Stages of formulating research problems.
- b. Arrange the thinking framework of operationalization research concept.
- c. Data collection by sampling the selected data sources.
- d. Creation of categories used in the analysis.
- e. Data collection of selected documents with descriptive quantitative
- f. Interpretation / interpretation of data obtained.

The method of analyzing with ushul fiqh in this context uses a general formulation used by jumhur ulama (general of Islamic scholars) in istinbath (how to issue a law from dalail). In establishing the law, it departs from: a) the Qur'an, b). al-Sunnah and c). Ra'yu based on the word of Allah Almighty. Closely related to this ra'yu, the number of scholars expresses what is called qiyas (al-qiyas or complete, al-qiyas al-tamtsili, analogy reasoning), analogical thinking about an event that has no provision of text to other events which have provisions in the text because between both of them there is a legal illiteracy equation, as well as the issue of consideration of benefit or public interest in an effort to capture the meaning and spirit of various religious provisions as outlined in the concepts of istihsan (seeking goodness), istislah (seeking benefit) in this case the benefit of general benefit (al -maslaha al-amah, al-maslahah al-mursalah).[8]

RESULTS AND DISCUSSION

3.1. Gharim Classification

Gharim is a person who is in debt and is difficult to pay. This Gharim varies . Among those who carry debt to reconcile disputes, or people who guarantee the debt of others so they have to pay for those who spend their wealth. Or people who are forced to owe because they really need for the necessities of life or free themselves from immorality. They all have the right to get enough zakah to pay off their debts. [9] However , in general, this gharim divided into two classifications, namely ghârim limaslahati nafsihi and ghârim li ishlâhi dzatil ba y in .

Gharim limaslahati nafsihi Retained Earnings definitive are in debt for the benefit or need for him. In this type the ulama defines the criteria of al-gharîm, namely those who are in debt for the benefit of themselves and their families, such as those who are in debt to eat, dress, build houses, or seek medical treatment etc. Al-Ba'li Hanbaly said, "Al-ghârim is a person who is in debt to support himself and his family or to dress." (Hanbaly, 1421H / 2000M) . [10] Also included in the category of al-ghârim this type are people who are affected by natural disasters or other disasters which result in their assets being exhausted, for example: floods, earthquakes, tsunamis, fires, theft , victims of robberies, etc. which result in them not being able to meet basic needs. So that they belong to the fuqara '(indigent people) (HR. Muslim, 1422H / 2001M) then it may be for him to get zakah money. " [11]

The second category is Ghârim li ishlâhi dzatil bayyin is a category that is in debt because of reconciling fellow humans, qabilah or tribe. For this purpose, it does not take into account its economic condition because what is seen is its socio-economic goals. Imam Nawawi in Kitabul Majmu 'states, "That is a debt to reconcile the dispute, as if it feared a war between two tribes or two people who disagree, then the debt is used to extinguish the fire permusuha n. [12]

3.2. The meaning of Gharim

3.2.1. The Meaning of Gharim in Classical Jurisprudence

1. Hambali school

The word gharimin is the plural form of gharim which is compulsory, because the debt must be paid. [13]

a. People who owe for personal gain , for things that are permitted or things that are forbidden on the condition that he repents, then he can obtain zakah limited to cover the remaining debt. [14]

b. People who owe for social purposes.

2. Maliki School of Religion

What is meant by gharim is a person who has a debt, while he has nothing to pay off his debt. So the debt can be repaid from zakah, even after he dies. [15]

3. Hanafi School of Religion

What is meant by gharim according to this school is that people who have debts and do not have more assets than to pay their debts, pay zakah to them (to cover debts) are more important than giving to the indigent. [16]

4. Shafi'i School

While what is meant by gharim according to the Shafi'i schools is composed of four types:

a. Those who are indebted to reconcile the two disputing camps to avoid a fight that causes murder, then this group has the right to receive zakah even though those who receive it are rich people. The aim is to provide support to them because they have done a very commendable practice as written in the Qur'an Surat An-Ni-saa (4): 114 .

b. People who are in debt because they guarantee someone.

c. People who are indebted to themselves or their families in terms of what is allowed.

d. People who are in debt for general benefit, such as building a house, a stopover for guests, building a mosque or hospital and so on. So they have the right to receive zakah if they cannot afford it. [17]

In the above Shafi'i and Hambali schools, gharim is divided into several parts. Whereas the Hanafi and Maliki schools do not discuss the parts of gharim which must be given zakah, but the two schools of thought only give their understanding, as mentioned above.

According to classical fiqh scholars in the global sense of these four schools of thought, gharim is a person who has debts, both for personal gain and for social purposes, in the Hambali school also people who have debts in matters that are forbidden to get zakah only to cover the rest debt, but with the previous conditions must repent. In Hanafi schools also give zakah to people who have more debt than giving it to the needy. According to the Maliki school of thought, gharim is a person who has a debt, the debt can be repaid from the giving of zakah, even after he dies.

From the four definitions above, it can be concluded that what is meant by gharim is a person who is in debt and does not have sufficient assets to cover his debt, both the debt is for personal gain and for the benefit of the community. They have the right to receive zakah to cover their debt. With the condition that the debt is not used for immorality or even things that are prohibited by Islamic law.

3.2.2. The Meaning of Gharim in Contemporary Jurisprudence

1. Wahbah al-Zuhaili

According to Wahbah al-Zuhaily gharim, people who have, both are indebted to themselves or are in debt to settle disputes, either for obedient purposes for Allah SWT or for immorality, but must be conditional on repenting first, as stated by the Syafi'i and Hambali Madhhabs. [18] Rasulullah SAW said: Meaning: "It is not permissible to beg except for the three groups of people who are in desperate need, people who are heavily indebted carry it or people who have to pay a fine and cannot pay it" (Tirmidhi History) [19]

2. Yusuf al-Qardhawy

As for contemporary jurisprudence put forward by Yusuf Qardhawi [20] that gharim is a person who has a debt, because gharim is fixed, which means it remains to him who has debt. Gharimin is the plural form of gharim, (with the letterghin fathah panjang) meaning a person who has debt, while ghariim (with a long term) is a person who owes, sometimes used for people who have accounts receivable. The origin of the meaning of gharim, according to the language is fixed, as contained in the word of Allah SWT: Meaning: "And those who say:" Our Lord, keep the punishment of Jahannam from us, Verily its punishment is eternal destruction . " (QS al-Furqan (25): 65)

With that meaning he is called gharim, because the debt has remained to him. According to Yusuf al-Qardhawi gharim, there are two types of zakah entitled:

a. People who are in debt for their own benefit, are like to fulfill a living, buy clothes, carry out a marriage, treat a sick person, build a house, marry a child or replace someone else's damaged goods. Included in the gharim criteria are those who are struck by a sudden disaster, such as being hit by a disaster either their house is burned down or their house is destroyed by floods, earthquakes, landslides and the like. Both on himself and on his property, so he has an urgent need to borrow for himself and his family.

b. From gharim these are people who have high human values and glory, high ideals, which are famous among Arab and Islamic societies. They are people who are in debt because they reconcile the two groups in dispute. For example, when there are two large groups such as between two tribes or two countries because they contradict the fight for property, then there are people who mediate between the two groups giving up their lives to replace the contested property, so that the fire of hostility will soon be extinguished.

As an example of people who reconcile people who are in dispute, people who are engaged in social activities that are useful such as building orphanage foundations, hospitals for the needy, mosques to perform prayer services or establishing learning schools for Muslims, or good deeds others that aim to serve the community. Surely that person has blessed himself in virtue for the benefit of society.

The purpose of all this is that people who are in debt because they serve the interests of the people, should be given a part of the zakah to cover their debts, even though he is a rich person. [21]

If Yusuf al-Qardhawy divides gharim into two types, it is different with other scholars who divide the gharim who have the right to receive zakah into four types, namely:

- a. People who owe for personal interests that cannot be avoided with the following conditions:
 1. The debt does not arise due to poverty.
 2. The debt wrapped around the culprit.
 3. The debtor is no longer able to pay off his debt.
 4. The debt has fallen or must be repaid when the zakah is given to the debtor.
- b. People who owe for social purposes, such as those who are in debt to reconcile between parties in conflict by carrying the cost of fines (criminal fines) or the cost of damaged goods.
- c. People who are in debt to guarantee other people's debt, which guarantees and guaranteed both are in a state of financial difficulties.
- d. People who are indebted for payment of fines for accidental murder, if the family really cannot afford the fine.

3.3. Gharim Mustahik Criteria

3.3.1. Gharim Criteria According to Classical Fuqaha

3.3.1.1. The Gharim Criteria That Are Entitled to Receive Zakah According to Classical Fuqaha.

The Shafi'i School stated that the person entitled to receive zakah is a person who claims to be a mukatab or gharim servant, can be justified by having a witness who is just and justified by his master for the mukatab, justified by the gharim or because he is well known among the people. [22]

At the Maliki School of Religion, the person who has the right to receive zakah for those who are in debt (gharim) is:

- a. Independent.
- b. Islam.
- c. Not descendants of Banu Hashim.
- d. The debt is to fellow humans, if the debt to Allah SWT is like the debt of kifarati, then to pay it off may not be from zakah. [23]

Whereas in other schools, the author does not find any limitations, only the writer can conclude that the limits of gharim that are entitled to be given to people in debt, both for their own benefit and the benefit of the people, may take zakah, but only to cover the debt. [24]

3.3.1.2. The Gharim Criteria That Are Not Entitled To Receive Zakah According to Classical Fuqaha

According to the Syafi'i madzhab, the zakah is not allowed to wrap bodies or build mosques (directly, except through gharim, because mustahik must be people and not objects). [25] If you give zakah to the person who owes him on condition that he has to return the zakah to pay his debt, then that is not allowed and illegitimate to pay with zakah. [26] People who are in debt because they guarantee someone, if there is a guarantee that guarantees other than himself and he is able to pay it then he is not entitled to receive zakah. People who are indebted in matters of disobedience such as buying khamar and the like or that are forbidden by religion, then that person is not entitled to receive zakah. [27]

In Hambali and Hanafi schools based on their understanding, the writer can conclude that gharim who does not have the right to receive zakah is gharim in matters of disobedience that are forbidden by Islam. In Maliki schools people who are in debt or gharim from the debt are due to wastefulness, this kind of gharim is not entitled to get zakah assistance.

3.3.2. Gharim Mustahik Criteria According to Contemporary Fuqaha

3.3.2.1. The Gharim Criteria That Are Entitled to Receive Zakah According to Contemporary Fuqaha

There are several gharim who owe for their own benefit given to pay all their debts with several conditions:

- a. Let him have a need to own property to pay their debts, so that when he is rich and able to cover its debts with money or objects that he has, then he is not entitled to receive zakah.
- b. The person must have debts to carry out obedience or carry out matters that are permissible. Whereas if he has debt because of an immorality such as buying alcoholic drinks, committing adultery, gambling and other prohibited work, then he should not be given a portion of zakah.
- c. Let the debt be paid at that time, if given a grace period. Then there are differences of opinion. The first opinion allows to receive zakah while the second opinion does not allow on the grounds that he did not need it at that time.
- d. State debt it is something that can be withheld, so the debt sign the child to the parent and to the people who are having trouble. However, it does not include debt and zakah debt, because the debt that can be held is more debt, namely debt to fellow human beings, while the liability and debt of zakah are included in debt to God.

According to other scholars, the criteria for a gharim who is entitled to get zakah funds, is determined by the general conditions as follows, including:

- a. The person is unable to pay off his debt.
- b. The problem is in the matter of goodness or in a problem that is changed (must). Whereas if he owes to the problem where the basic law is changed but he does it excessively. Then there is absolutely entitled to zakah. Because the excess is prohibited even for things that are changed. Allah SWT said: Meaning: "Son of Adam, wear your beautiful clothes in every (entering) mosque, eat and drink, and do not overdo it. Verily, Allah does not like those who are exaggerated.(QS Al-A'raf (7): 31)
- c. The debt must be paid immediately
Zakah funds can be given to Gharim provided that at this time he must pay it off immediately. Whereas if it is still postponed and it is possible to repay it later, it may not be issued.
- d. The scale is debt to fellow humans.
For example, debt to business partners, neighbors, including parents themselves.

Whereas according to Wahbah Zuhaily, there are two parts that must be given zakah in this matter, first gharim for himself and the second is gharim to resolve disputes between two parties, both for the purpose of obedience and immorality provided that they must repent. So they are absolutely entitled to receive zakah even though the rich and those who resolve the dispute despite the infidel zimmi. In this case the Prophet Muhammad said: Meaning: "From Qubaishah bin al-Mukharik al-Hilal he said:" I have borne a burden (to reconcile the two parties to the dispute), wait until dating zakah. We will tell you to give to you. Then he said also, O Qubaishah, asking for this is not lawful except in three things, a man bears a burden, then it is halal that he asks for the burden to be released, then let him stop, a man is afflicted with damage or a very severe disaster when he asked, until the trouble disappeared, then stopped and a man who was very destitute, so that up to three of his people were able to say that he had indeed been very destitute, then when he was asking, so he can live. Other than that, the Qubaishah, if still begging, is also a fraudulent act that brings death in humiliation.(History of Imam Ahmad, Muslim, an-Nasai and Abu Daud). [28]

People who are in debt because their benefit must be given according to their needs. What is meant by need is the need to pay debt. If he is given a part, but is not paid on his debt, or he pays his own debt, but not from the assets of zakah, then in the right opinion, that he must return his share, because he no longer needs it. Both the debt is a little or a lot, because what is needed is the payment of debt or the amount of responsibility for debt. [29]

Including the second group of gharim are people who have debts because of the benefit of others.

People who are in debt for the benefit of society, for example people who are forced to owe because of reconciling two disputing parties, who need to settle it need a large amount of funds, or a group that takes care of humanitarian agencies, which are forced to owe to meet the business needs of their institutions. For example, a charity which maintains the orphans, the elderly and others. So what is good is that the burden is borne on zakah, so as not to downplay the desires of those who want to do good, or weaken their will. So those who are in debt for the benefit of society are certainly more important to be helped. [30]

From some of the opinions above, then the boundary of a gharim who has the right to receive zakah according to contemporary scholars, gharim is indebted for its own benefit not for things that are corrupt, gharim is owed because it guarantees other people's debts, gharim is in debt for payment of fines that are not intentionally and gharim is owed to the interests of many people and is not used for immorality. They all have the right to zakah, which of course they must fulfill the above requirements.

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3.3.2.2. The Criteria of the Gharim Who Are Not Eligible to Receive Zakah According to Contemporary Fuqaha.

Wahbah Zuhaili stated that people who owe themselves do not have to receive zakah except in indigent circumstances. People who have debt but cannot afford it and they do not waste or damage their assets, with the note that the debt is not for the purpose of immorality, so they are not entitled to get zakah. Or intentionally in debt, but suspended in order to get the zakah portion. Thus the gharim is not entitled to receive zakah because it already has a disgraceful goal.

As for Yusuf al-Qardhawy, the limit of gharim that is not entitled to receive a portion of zakah is gharim which still has assets that can pay its debt, so that if it is rich and able to cover its debt with money or objects it has.

As for Yusuf al-Qardhawy, the limit of gharim that is not entitled to receive a portion of zakah is gharim which still has assets that can pay its debt, so that if it is rich and able to cover its debt with money or objects it has.

Doing a work of immorality that is forbidden such as gambling, adultery, drinking liquor, or doing other immorality. People who live excessively in providing income for themselves and their families even to enjoy something that is permissible. Because actually the excess of things that are allowed to become indebted, is forbidden for every Muslim. If they are given a part of zakah, it is the same as helping him commit immorality to Allah SWT. Then gharim like this do not have the right to receive part of zakah. And he should be advised to repent. If people who have debts are given a grace period, in this case there are differences of opinion.

According to one opinion, he has the right to receive zakah because he belongs to gharim. In another opinion he is not entitled to receive zakah because he does not need it at the present time. In another opinion, if the deadline has expired that year, then he has the right to receive zakah, and if not, then do not give zakah in that year.

According to Yusuf al-Qardhawy, people who have assets and debts, if they are repaid, the remaining assets do not meet the living needs of one family, so he holds a number of things that meet the living needs of one family (in one year or the age of ghalib). Then the rest is made to pay off the debt, and if it is still lacking, it will be covered by zakah from the gharim quota.

3.3.3. Content of Zakah Provided to Gharim

Zakah assets from baitul mal are given to ghârim, which is the size of a debt that must be repaid. Because the purpose of distributing zakah to ghârim is limited to this purpose.

Ibn Qudamah rahimahullah said, "Ghârim is given zakah to cover its debt even though it is very much" [31]

Ibn Rusyd rahimahullah, the compiler of the book Bidâyatul Mujtahid stated, "Ghârim is given from the zakah a number of debts if the debt is not due to immorality" [32]

In this case, there are often two traits, namely faqir and ghârim for someone, so it is permissible for him to receive zakah for his poverty and pay off his debt so he gets two rations. [33]

If we observe carefully, this perfect Islamic Shari'a turns out to be the best solution in order to create the economic stability of the ummah, in addition to the main intention is to get closer to Allah and establish Muslim brotherhood among Muslims.

3.4. Share Zakah Gharim company

3.4.1. Corporate Entity diqiaskan on Individual Legally

Two important aspects in zakah are muzaki and mustahik (the subject and object of zakah, people who are subject to zakah obligations and those who are entitled to receive zakah). The study of the obligations of zakah is contained in the chapter on "the conditions of the alms-giving". [34] In essence, the obligatory conditions of zakah are related to two things. First, the conditions for the muzaki individual itself. Secondly, the conditions for assets that must be paid for zakah. Whereas recipients of zakah or mustahik also have conditions that are in accordance with the provisions in the Qur'an .

The discussion regarding muzakki and mustahik is certainly closely related to the discussion of the paying entity and recipient of zakah which is legally equivalent . In this context, both good and mustahik muzakki roles and functions the same as the subject hukum, only economic status distinguishes them.

In the fiqhiyah discussion , the obligation to pay zakah for the company has been determined by the ulama , while the zakah recipient company still has no provisions. The intention of the company as muzakki was concluded in the International Conference I on zakah in Kuwait on 29 Rajab 1404 H (1984 M) , that the company was obliged to issue zakah, because the existence of the company as a place of business became a legal entity (recht person). [35] The company, according to the results of the conference, is included in syakhsh i'tibar (a legal entity deemed as a person) or Syakhshiyyah hukmiyyah . Therefore legally, the company has the same rights as individuals, namely conducting transactions, borrowing, selling, dealing with outside parties, and also cooperating. The Company was the same as the individual can be brought to justice if they're breaking the law.

Therefore , the company was then included in the category of muzaki or the subject of zakah , with a note that, among other things, there was a prior agreement between the shareholders, so that there would be pleasure and sincerity when issuing it. The agreement should be stated in company rules, so that the nature becomes binding. All obligations and final results are enjoyed together, including the obligation to Allah SWT in the form of zakah. But outside of the zakah of the company, each individual is also obliged to issue zakah every month (every time he receives a salary), according to his income and income.

The argument that can be used as a reference regarding the zakah of the company is the name of Allah SWT. "O ye who believe, partake of (in the way of Allah) some of the results of your good efforts and part of what we remove from the earth for you. ... "(Surat al-Baqarah: 267) . See the Hadith of the Prophet Muhammad, "The Messenger of Allah. ordered us to issue zakah from all things k Ami means to be sold "(Abu Dawud).

The other Prophet's Hadith is narrated by Imam Bukhari, from Muhammad ibn 'Abd Allah al-'Ansari from his father, he said that Abu Bakr had written a letter containing the obligation ordered by the Prophet. "... do not put together (collected) assets that were originally separate. On the contrary, do not also be exposed to property which was originally united, for fear of issuing zakah. "(Bukhari). The Prophet's Hadith, at first — based on its asbabul-judgments, was related to partnership in livestock. On the basis of analogy (qiyas), it is also used for various syirkah (joint venture, company).

In connection with how much zakah rates for companies muzakki, sesuai with Zakah Conference in 1984 that, the wise charity of the company is equal to the trade zakah rate of 2.5%. The amount of the tariff is for haul who use the year of kamariyah. The tariff is imposed on assets that have fulfilled zakah requirements. Every company, at least, has three kinds of assets. First, assets in the form of goods, both in the form of facilities and infrastructure and in the form of trade commodities. Second, assets in the form of cash, which are usually held in banks. Third, assets in the form of accounts receivable. Company assets that are obliged to be zakah are the three forms of assets, less assets in the form of facilities and infrastructure and other urgent obligations, such as debts that are due or payable at that time. [36]

By analyzing the legal provisions of companies that are subject to the obligatory zakah, it is the same as companies that are then subject to zakah recipients. The company as a legal person becomes illat both for companies that pay zakah and companies that receive zakah. In this context, companies are allowed to receive zakah specifically in the discussion of this discussion as a gharim company. This is because the company can experience conditions similar to individuals, namely debt and bankruptcy (gharim).

Gharim company will have the same rights as do the provisions of recipients (asnaf) gharim. In this context, according to the Shafi'i School of Religion, companies that claim to be mukatab or gharim servants can be justified by witnesses who are just and justified, justified by those who award gharim or because they are already well-known among the people. [37] Likewise, the gharim conditions according to the Maliki school of thought are Freedom, Islam, and the descendants of the Banu Hashim, and their debt to fellow human beings. [38] In other schools, the limits of gharim which are entitled to be given to those who are in debt, both for their own benefit and for the benefit of the people, may take zakah, but only to cover the debt. [39]

3.4.2. Corporate Value for the Economy of the People

A company is an entity that is built to run a business or business. In society, companies are the backbone of society's economy. This is because through the company, the economy can move optimally; in the company there is productivity of goods / services both on a small to massive scale, so as to increase the economic growth of the community. Productivity is supported by the involvement of workers from upstream to downstream. The larger a company, the greater the labor needed, as well as the supply chain. Therefore, it cannot be denied that the company plays an important role in increasing the economic growth and development of the people. However, it is not uncommon for companies to go bankrupt. Of course this is something that is not good, because it will be one of the factors inhibiting economic growth. There are various reasons for a company to go bankrupt. One reason is being in debt and unable to pay it, so it must be bankrupt. This is very unfortunate because the economic driving function will decrease. In this context, zakah as one of the economic instruments of the people should be able to take a role. One of the mustahik criteria is gharim, or bankruptcy with debt winding. In the old context, of course it is known that gharim is an individual, but in the present context, Gharim certainly has ki meaning that can be broader, including to companies that are in debt.

Conclusion

Companies that experience bankruptcy due to debt (gharim) have the same right to receive zakah on gharim words. This company is justified because it has the same legal status as an individual in a legal perspective. Like companies that are obliged to pay zakah, the company also has the right to receive gharim zakah. Therefore, it is permissible to accept gharim alms but is limited to covering its debt. With the acceptance of gharim zakah for gharim companies, it will have a wider impact, not only will the company continue to rotate the economy for its employees, but also the economy in the regional to national perspective. This will have an impact on increasing the economic growth of the people.

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